

Appl. No. 10/648,579
Reply to Office Action of October 19, 2005

REMARKS/ARGUMENTS

Claim 1 is amended to correct a clerical error and make it consistent with the specification. Withdrawal of the formal objection is respectfully requested.

In addition, the correction excludes bond lengths below 0.1688 nm. This obviates the anticipation rejection since there is no certainty that compounds in Ohkawa et al. fall within the claimed range.

Claims 1-3, 7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohkawa et al. (US 6,368,769).

Claims 1-5, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkawa et al.

There are no art-related rejections of claim 6.

One of the features which distinguishes the present claims from Ohkawa is the maximum bond distance between S and C of the photo-acid generating agent. More specifically, the maximum bond distance of S-C in the corrected claim 1 is 0.1688 - 0.1750 nm.

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With respect to the evidence the Examiner takes the position that

"...there is no evidence to show that sulfonium compounds wherein the bond distance is 0.1688 result in significantly different properties relied on for patentability."

On page 11, lines 13-16 of the present specification the advantage is evidenced by the following discussion:

"When the aforesaid bond distance is at most 0.1686 nm, sufficient curing is not achieved. On the other hand, when it exceeds 0.1750 nm, the resulting compound bond tends to be easily broken, resulting in problems of storage stability."

In the last AMENDMENT, evidence was provided to show that Ohkawa disclosed compounds with much shorter S-C distances. Furthermore, evidence that compounds having shorter S-C bond distances fail to exhibit the superior effects of the present invention.

In addition, there is annexed hereto a SUPPLEMENTAL DECLARATION showing additional evidence to demonstrate that a sulfonium compound exhibits an unexpectedly superior effect to sulfonium compounds having a shorter S-C bond length than 0.1688 nm.

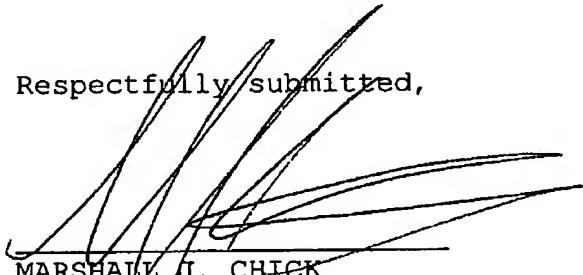
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Reconsideration of the earlier arguments and the rejection in view of the above, is requested.

The provisional double patenting rejection is noted and will be dealt with in the appropriate application, if it remains applicable.

In view of the above, it is submitted that the present invention is not shown or suggested by the cited art. Withdrawal of the rejections and allowance of the application are respectfully requested.

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Respectfully submitted,

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Enc. Executed SUPPLEMENTAL DECLARATION UNDER 37 CFR 1.132 of Toshiyuki TAKABAYASHI dated December 5, 2005